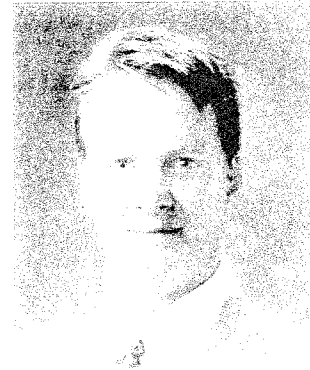


# Proponent testimony for Montana Senate Bill 490

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HB 490

James P. Johnston, D.O. ♦ Tri-Valley Family Practice ♦ 304 Chestnut St.  
Dresden ♦ Ohio ♦ 43821 ♦ 740-754-2671  
Director, Assn. of Pro-Life Physicians ♦ [www.ProLifePhysicians.org](http://www.ProLifePhysicians.org)



*Dr. J. P. Johnston, D.O.*

## Education:

- ♦ Graduated with B.S. Biology from Florida State University, 1993
- ♦ Recipient of the McAllister Award in biological research in 1997
- ♦ Graduated with doctorate in medicine from Nova Southeastern University, Ft. Lauderdale, Florida, 1998
- ♦ Graduated chief resident from Ohio University Family Practice Residency in 2001

## The point of contention in this debate

As this committee considers Senate Bill 490, we must focus on the primary question to be asked in this debate: "When Does a Human Being's Life Begin?" This question can be answered conclusively in scientific terms. There is a diverse array of religious, philosophical, and social opinions on this subject, but it is our object to set before you the unambiguous scientific facts.

Unfortunately, you will rarely find the question of when life begins debated in scientific terms. It is important to be circumspect to identify and avoid the "smoke and mirrors" in this debate.

## What the debate is not about

This debate is not primarily about:

1. Personal autonomy – "I have a right to my own personal choices."
2. Women's rights – "I have a right to do what I want with my own body."
3. What's most beneficial for women – "An abortion of an unwanted pregnancy is best for my career, my relationship, my well-being, etc." or "An abortion of my pregnancy caused me great emotional distress and illness."
4. The right to privacy
5. Subjective and arbitrary calculations on the value or quality of another human life
6. Hormonal contraception, IVF, or miscarriages

As proof, I offer the following argument: If someone were to argue that they have a right to terminate their one-day-old infant because "I have a right to my own personal choice" or "This will help my career and improve my health" or "It's unwanted and unloved" or "I have a right to privacy," *how would you respond?* Not one of us would concur with these justifications for terminating a one-day-old infant. If we were convinced that, in fact, the human *fetus* is just as alive as the infant whose life you would defend, then we would not accept these justifications for aborting human *fetuses* any more than we would accept them for aborting one-day-old infants.

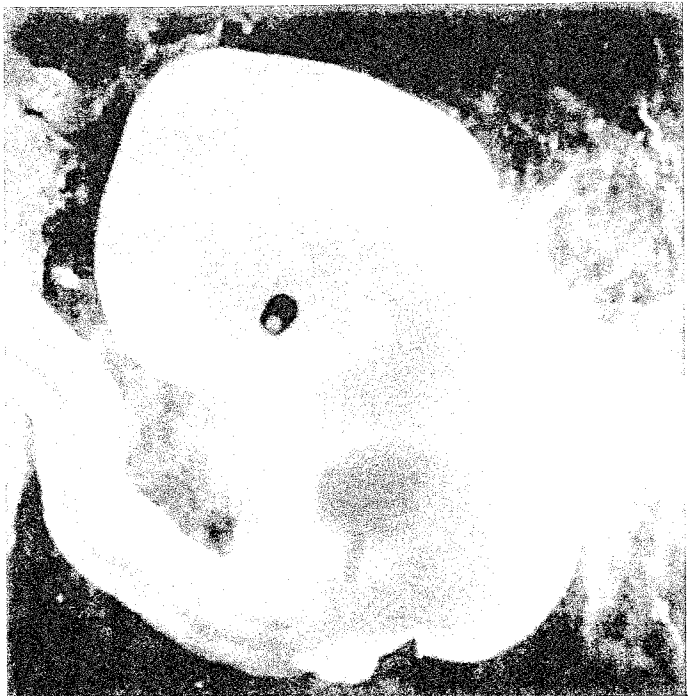
This proves that the question to which we must give our attention is "When Does a Human Being's Life Begin?" Issues of personal autonomy, women's rights, privacy rights, and pragmatic considerations are "smoke and mirrors," distractions from the real issue.

Opponents to S.B. 490 may argue that hormonal contraception would be hindered if we respect the right to life of preborn human beings because hormonal contraception *may* prevent implantation of the embryo into the uterus and thus cause a miscarriage. However, we must never let our confidence in what we know be shaken by what we don't know. We know that abortion ends a human's life. We do not know if hormonal contraception does (there are good arguments that it does not.) If it is an authentic contraceptive (the prefix "contra" meaning "against" and the root word "-ceptive" referring to "contraceptive") then it prevents contraception and does not allow conception and thus, is unaffected by this bill.

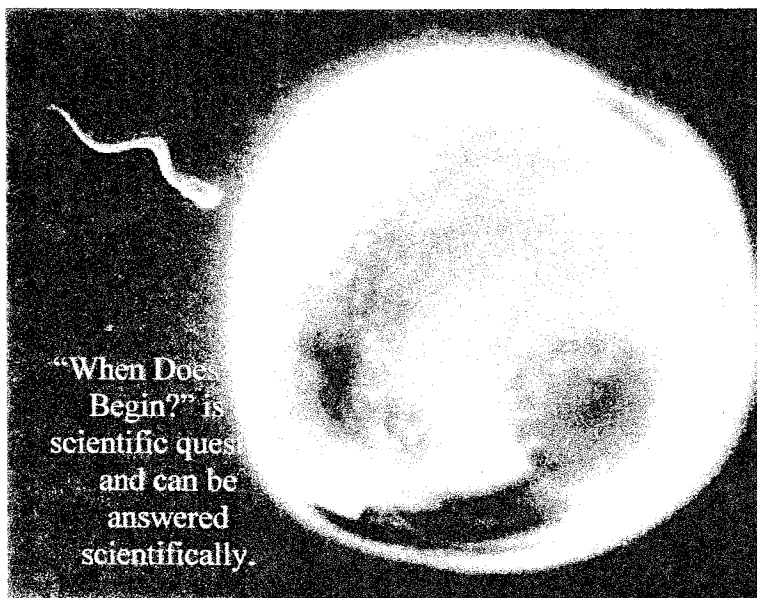
This bill would not affect Assisted Reproductive Technologies like IVF, or miscarriages. This is an absurd claim that the opponents of the Personhood Amendment are claiming. It is not an honest assessment. This bill would not criminalize inadvertent or accidental loss of life any more than physicians are already prosecuted for inadvertent, accidental loss of an infant's life under their care.

## When does a person's life begin?

I am aware of the nature by which we listen defensively to such claims as when life begins, always measuring what is said by whether or not it challenges our views on abortion. Let me challenge each of you to keep an open mind as you weigh the scientific evidence.



According to the universally-accepted five scientific criteria that define life, she's been alive for 6 weeks. Her heart has been beating her own blood type since 21 days after conception and measurable brain waves could be documented as early as 40 days after conception. (Moore & Persaud, *The Developing Human*, p.310; Dr. H. Hamlin, Life or Death by EEG, *Journal of the American Medical Assn.*, Oct.12, 1964, p.113)



"When Does Begin?" is a scientific question and can be answered scientifically.

What is "life?" *The Basics of Biology*, a scientific textbook for elementary students, gives five characteristics of living things (as do all public elementary science textbooks).

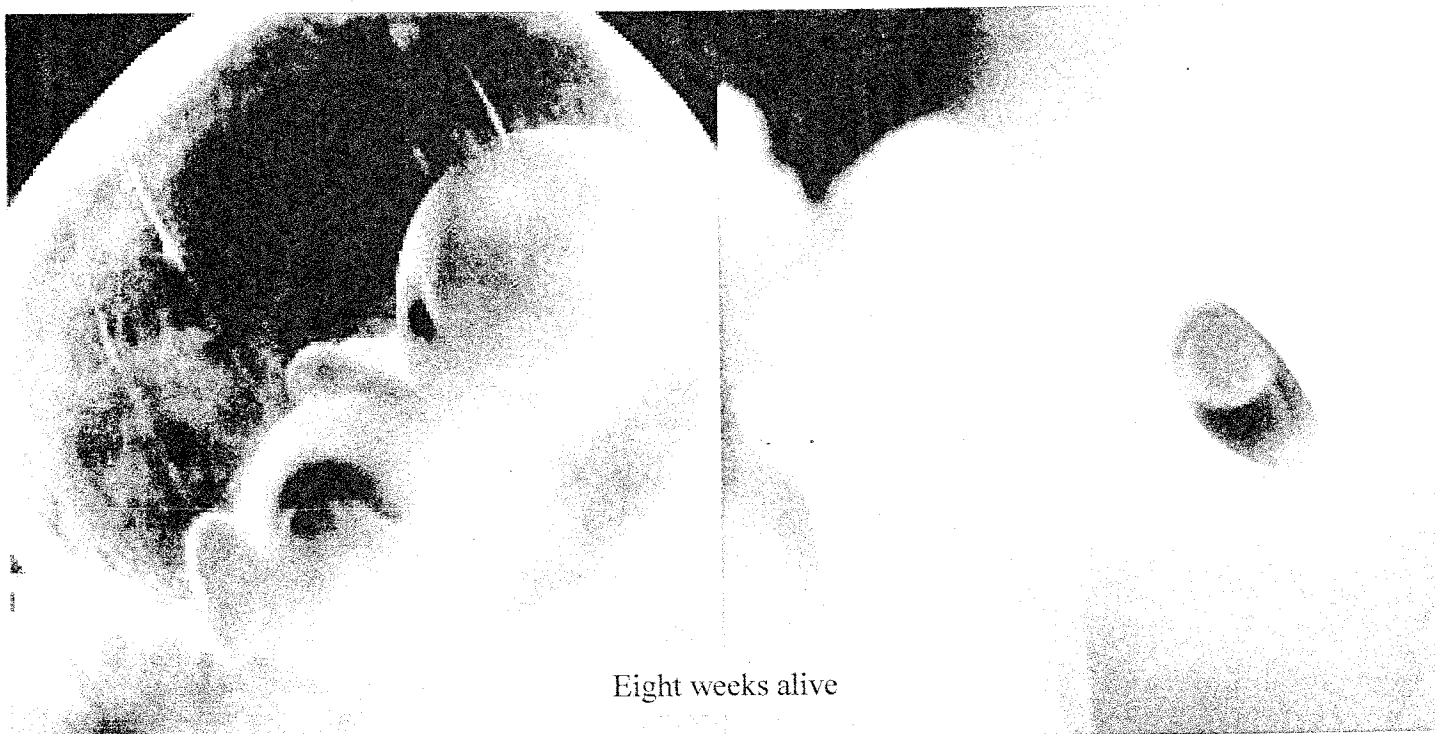
1. Living things are highly organized.
2. All living things have an ability to acquire materials and energy.
3. All living things have an ability to respond to their environment.
4. All living things have an ability to reproduce.
5. All living things have an ability to adapt.

If we were to trace your existence to when your life first began, when you were first highly organized, when you could first acquire and metabolize nutrients and oxygen, when you could

first begin to grow, where would that point be?

According to this elementary definition of life, the life of those conceived through sexual reproduction begins at fertilization, when a sperm unites with an oocyte. (In monozygotic twinning, one twin's life begins when the zygote divides to form two distinct single-cell human beings. *In vitro* fertilization occurs outside the womb.) From this moment of the onset of biological development, the being is highly organized – the sex, hair and skin color, and facial features are already determined. From this moment, the being has the ability to acquire materials and energy, has the ability to respond to his or her environment, and has the ability to reproduce (the cells divide, then divide again, etc., and barring pathology and pending reproductive maturity have the potential to reproduce other members of the species.) Non-living things do not do these things. Even before the mother is aware that she is pregnant, a distinct, unique life has begun his or her existence.

The new human being is not a part of the mother's body, but is a distinct living entity that is dependent upon the mother for nutrition. Since when does a reproductively mature woman's body have male genitals? No arbitrary milestone after this point makes us any more human or any more alive.



### The experts answer...

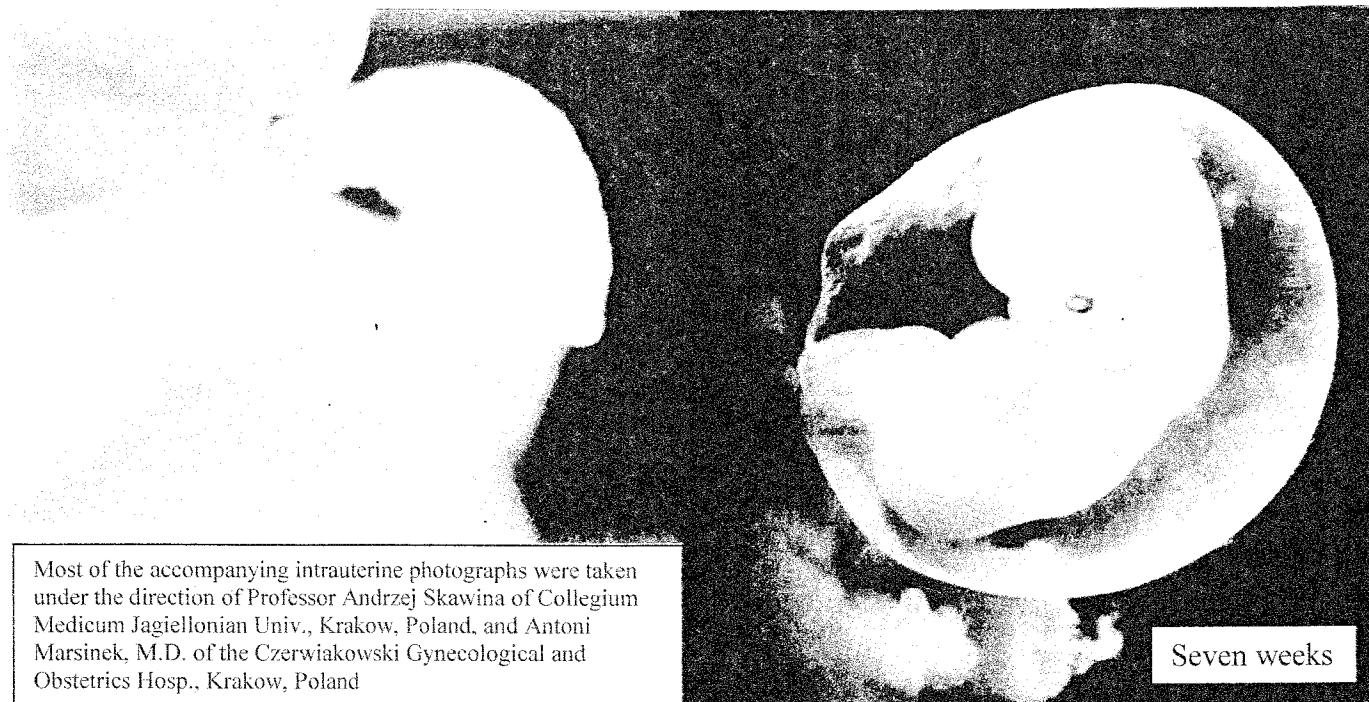
Quotes from famous, well-known physicians who testified on April 23-24, 1981, in a Senate Judiciary Subcommittee hearing on this subject:

The "Father of Modern Genetics" who identified Downs Syndrome as Trisomy 21, Dr. Jerome Lejeune, M.D., University of Descarte, Paris:

*"To accept the fact that after fertilization has taken place a new human has come into being is no longer a matter of taste or opinion... it is plain experimental evidence."*

The "Father of *In Vitro* Fertilization," Dr. Landrum Shettles, M.D. Professor of Obstetrics & Gynecology at Columbia University's College of Physicians and Surgeons, and Director of Research at the New York Fertility Research Foundation:

*"Conception confers life and makes that life one of a kind."\**



Most of the accompanying intrauterine photographs were taken under the direction of Professor Andrzej Skawina of Collegium Medicum Jagiellonian Univ., Krakow, Poland, and Antoni Marsinek, M.D. of the Czerwinski Gynecological and Obstetrics Hosp., Krakow, Poland

Seven weeks

Dr. McCarthy de Mere, M.D., law professor, University of Tennessee:

*"The exact moment of the beginning of personhood and of the human body is at the moment of conception."*

Dr. Hymie Gordon, M.D., Chairman of the Department of Genetics at the Mayo Clinic:

*"By all the criteria of modern molecular biology, life is present from the moment of conception."*

Dr. Alfred Bongiovanni, M.D., University of Pennsylvania School of Medicine:

*"I am no more prepared to say that these early stages represent an incomplete human being than I would be to say that the child prior to the dramatic effects of puberty ... is not a human being."*

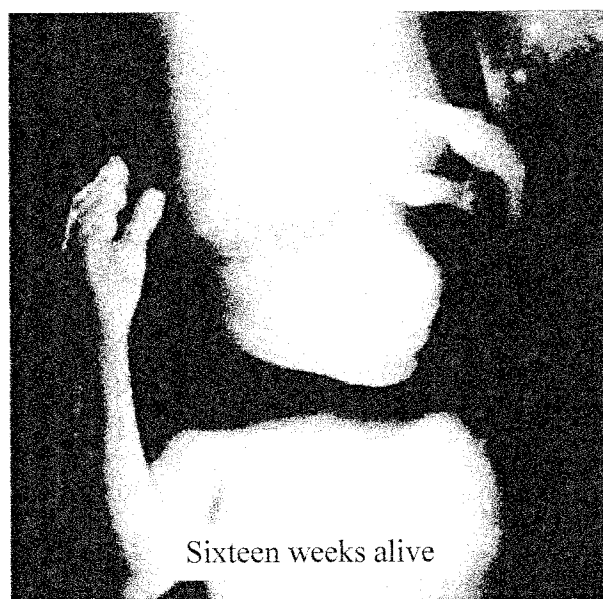
Dr. Micheline Matthews-Roth, M.D., Professor at Harvard University Medical College:

*"Each individual has a very neat beginning, at conception."*

Dr. Matthews-Roth gave confirming testimony, supported by references from over 20 embryology and other medical textbooks that human life began at conception.

*Life Educational Reprint, 1965 (revealing the scientific consensus at the time) stated: "The birth of a human life really occurs at the moment the mother's egg cell is fertilized by one of the father's sperm cells."*

*Williams Obstetrics textbook, Sixteenth Edition, stated: "Happily, we have entered an era in which the fetus can be rightfully considered and treated as our second patient. Who would have dreamed – even a few years ago – that we could serve the fetus as a physician." (from the Preface)*



Sixteen weeks alive

## Quotes from human embryology textbooks proving when life begins

"Fertilization is a sequence of events that begins with the contact of a *sperm* with a *secondary oocyte* and ends with the fusion of their pronuclei... and the mingling of their chromosomes to form a new cell. This fertilized ovum, known as a *zygote*, is a large diploid cell that is the beginning of a human being." (Moore, Keith L., *Essentials of Human Embryology*. Toronto: B.C. Decker, Inc., 1988, p.2.)

"Although human life is a continuous process, fertilization is a critical landmark because, under ordinary circumstances, a new, genetically distinct human organism is thereby formed." (O'Rahilly, Ronan and Müller, Fabiola. *Human Embryology and Teratology*, 2nd edition. New York: Wiley-Liss, 1996, pp. 8, 29).

"Almost all higher animals start their lives from a single cell, the fertilized ovum (zygote).... The time of fertilization represents the starting point in the life history, or ontogeny, of the individual." (Carlson, Bruce M., *Patten's Foundations of Embryology*, 6th edition. New York: McGraw-Hill, 1996, p.3.)

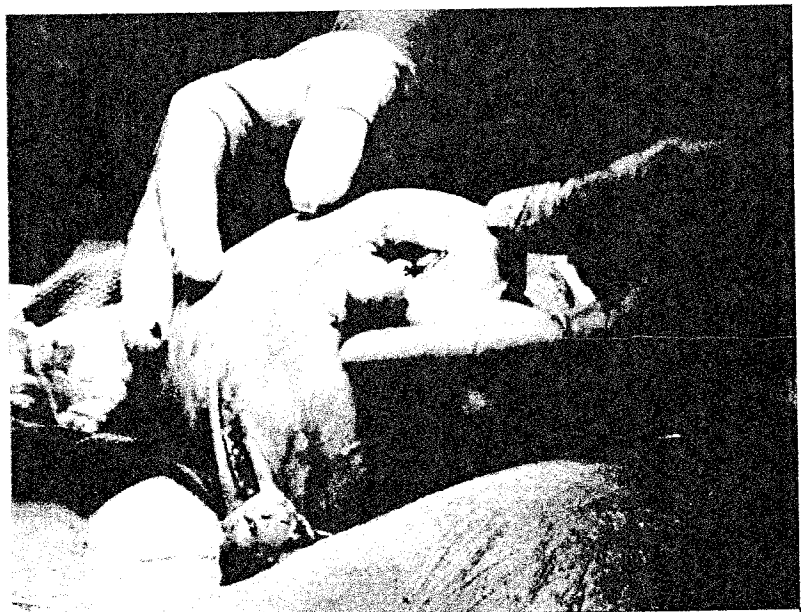
Original Hippocratic oath, 460-377 B.C., stated: "I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect. Similarly, I will not give to a woman an abortive remedy."

## Conclusion

S.B. 490 is a law that is long overdue. It catches up with the advances of medical science and brings state leadership into compliance with state constitutional obligations. It is supported through the limitations that the U.S. Constitution places on federal power. Montana is constitutionally and morally responsible for protecting the innocent through the administration of justice within your jurisdiction, and the federal government is limited to specifically enumerated powers and thus, should let you. Montana should respect the God-given rights of all within your border and stop the killing of the innocent through abortion. God help you.

Please do not hesitate to contact me if you have any questions. Please visit [www.ProLifePhysicians.org](http://www.ProLifePhysicians.org) for more convincing evidence that life begins at conception.

Dr. James P. Johnston, D.O.  
Dir., Assn. of Pro-Life Physicians



Samuel Armas is surgically treated *in utero* at 21 weeks gestation for spina bifida. (Note the obvious: Samuel is alive, and he is a human being.) Photographer M. Clancy

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\* "Conception" traditionally has referred to fertilization, when sexual reproduction produces a new human being. Nevertheless, the term has mutated in the medical literature and "fertilization" is the more accurate contemporary term for the onset of biological development in sexual reproduction.